

(4)

12-15-00  
SC

ORIGINAL

**1: CV - 00 - 2143**

*Plaintiff-Kenney's Fully Exhausted Grievance  
Packets Pursuant To (the "Act") OF PLRA's  
Amended SECTION 42 USC 1997e(a)*

FILED  
SCRANTON

DEC 12 2000

PER 

DEPUTY CLERK

1: CV 00-2143

AIP-1330.13B  
Jan 1, 1997  
Attachment 1UNITED STATES PENITENTIARY  
ALLENWOOD, PennsylvaniaADMINISTRATIVE REMEDY PROCEDURE FOR INMATES  
INFORMATION RESOLUTION FORM

**NOTE TO INMATE:** You are advised that prior to receiving and filing a Request for Administrative Remedy Form BP-9 (BP-229.13), you **MUST** attempt to informally resolve your complaint through your Correctional Counselor. Briefly state **ONE** complaint below and list what efforts you have made to resolve your complaint informally and state the names of staff contacted.

Issued By: W. BECK Initials of Correctional Counselor  
Date Issued To The Inmate: 8-24-00

INMATE'S COMMENTS:

1. Complaint: On Wednesday, September 29, 1999, I was viciously beaten and brutally attacked by inmate (former) Unit III - Unit Manager - Gonzalez / Gonzalez for no reason repeatedly, stuck me about my head with sharp keys.
  2. Efforts you have made to informally resolve: Upon several occasions I have repeatedly tried to inquire as to why Gonzalez physically attacked me.
  3. Names of staff you contacted: via correspondence to Warden Mendoza. Tried to contact SIS Department upon numerous occasions, but SIS is unresponsive. Through letters I have contacted NEBOP members Mr. Sturgis and Reg. Carr.
- Date Returned to Correctional Counselor: 9/25/00

Mr. A. C. King KENNEY  
Inmate's Signature

OS238-041  
Reg. No.

9/25/00  
Date

CORRECTIONAL COUNSELOR'S COMMENTS:

1. Efforts made to informally resolve and staff contacted: SEE ATTACHED

Date BP-9 Issued:

FILED  
SCRANTON  
10-6-00  
DEC 12 2000

PER

DEPUTY CLERK

W. Beck / W. D.  
Correctional Counselor

P. E. RIDGE 10-6-2000  
Unit Manager (Date)

RESPONSE TO ADMINISTRATIVE REMEDY (BP-8)

TO: KENNEY, JOHN  
REG. NO.: 05238-041

This is in response to your Administrative Remedy Form (BP-8) submitted on August 24, 2000. On December 7, 1999 you were found guilty of violation of code 101A, Serious Assault (Attempted). This incident report was written on September 29, 1999, after you attempted to assault your Unit Manager, and staff had to use immediate force to subdue you.

  
W. Beck  
Correctional Counselor

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

(See Attachment Sheet)

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Kennedy, John, C. 05238-041 I-B Allenwood USP  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A- INMATE REQUEST

Statement OF Facts

On Wednesday, Sept. 29, 1999, while an inmate at Allenwood USP I was viciously attacked and brutally beaten by m (former) Unit III Mgr. Mr. J.W. Gonzalez. Gonzalez had repeatedly struck me about the head and facial areas with large "sharp" m keys, which caused me numerous physical and emotional injuries. Even though I was non-resistant and remained completely docile, Gonzalez for no apparent reason assaulted me, while Scarborough assisted Gonzalez by pinning my limbs as Gonzalez assaulted me. Additionally, III-A Case Mgr. Ms. K. Keiser stood as a spectator she clearly saw/observed Gonzalez and his coconspirator C/I Scarborough assaulting me, but she failed to protect me from being physically assaulted by her co-workers. As a result of this incident I hereby claim "Excessive Force," Conspiracy to Excessive Force. Deliberate Indifference and Retaliation.

DATE

SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 2

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Allenwood USP

Tuesday, <sup>October</sup> Sept. 10, 2000P-9 Attachment  
Grounds For Relief

I have an absolute right under the Eighth Amendment of the U.S. Constitution to be free from "Cruel and Unusual Punishment." The Eighth Amendment applies to incarcerated prisoners. See, Whitky v. Albers, 475 U.S. 312, 327 (1986); see also, Hudson v. McMillian, 503 U.S. 1, 7 (1992). The force described in this grievance was excessive. Brooks v. Kyle, 204 F.3d 102, 109 (3rd Cir. 2000) and repeatedly applied in "bad faith." Gonzalez's intent was to cause me absolute harm. It was "cruel and unusual" when Gonzalez committed an aggravated assault upon me by repeatedly striking me in my head and facial areas with large "sharp" steel keys which resulted in deliberate indifference, because I had received numerous physical injuries as a result of Gonzalez's "gross" acts committed upon me. (See, Med Sheet) (med sheet reflects the "numerous" injuries Gonzalez inflicted on me). Case Mgr. II-A, Ms. Krizer and CIO Scarborough are equally responsible, because they either participated in this attack upon me, thus both failed to protect me. All described above was in violation of my Eighth Amendment rights; see also, BOP P.S. 3402 Standards of Employee Conduct and Responsibility (holding Brutality of inmates by employees will not be permitted... employees may never strike a restrained inmate). Additionally, I am also being retaliated against from this incident, even though I was victimized.

Relief Requested

I, John Charles Kenney, Reg. No. 05238-041 the author of this grievance hereby request 2-million-dollars \$2,000,000.00 for the injuries Gonzalez inflicted on me. I also request deletion of my current designation to USP-Marion, and to be reclassified, because my current classification is incorrect based on biasness

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: OCTOBER 18, 2000

*SK Ash-Carlson*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
ALLENWOOD USP

TO : JOHN CHARLES KENNEY, 05238-041  
ALLENWOOD USP UNT: I QTR: Z01-103UAD  
P.O. BOX 3500  
WHITE DEER, PA 17887

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 224261-F1 ADMINISTRATIVE REMEDY REQUEST  
DATE RECEIVED : OCTOBER 13, 2000  
SUBJECT 1 : ASSAULT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS  
MUST BE RECEIVED WITHIN 20 DAYS OF THE EVENT COMPLAINED  
ABOUT.

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

cc: CIVIL FILE

cc: 42 USC 1983, 28 USC 1331, 1343.

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Kennedy, John, C. 05238-041 I-B Allenwood US.  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A—REASON FOR APPEAL

I appeal the BP-9, at Number 224261-F1 to this office for the following reasons:

1. I was never informed of any time limitations for presenting such claims. Therefore, I was unaware of any time limitations.
2. My (former) Unit Manager-Gonzalez had informed me there were not any time limitations, and that I could file such claims any time I wished.
3. Due to the "seriousness" of allegations, and injuries I sustained from Gonzalez. That relief should be afforded to me based upon the merits of these claims presented.

10/22/00  
DATEMr. John C. Kennedy  
SIGNATURE OF REQUESTER

## Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 224261-R

## Part C—RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: OCTOBER 25, 2000

*D. Rostyle*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO : JOHN CHARLES KENNEY, 05238-041  
ALLENWOOD USP UNT: I QTR: Z01-104LAD  
P.O. BOX 3500  
WHITE DEER, PA 17887

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 224261-R1 REGIONAL APPEAL  
DATE RECEIVED : OCTOBER 24, 2000  
SUBJECT 1 : ASSAULT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS  
(BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE  
WARDEN'S AND CCM'S RESPONSE OR RECEIPT OF THE  
DHO'S DECISION. THIS TIME INCLUDES MAIL TIME.



U.S. Department of Justice

Federal Bureau of Prisons

Central Office Administrative Remedy Appeal

BP-11

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Kennedy, John, C 05238-041 I-B Allenwood USP  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A—REASON FOR APPEAL

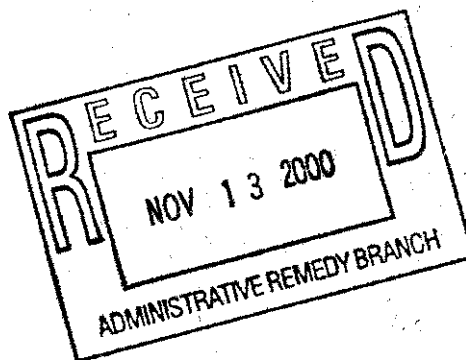
I am dissatisfied with the BP-10 Response # 224261-R1 from the Northeast Region. As a result, I'm appealing to this Washington Office for the same reasons contained in the enclosed BP-10. And that, I should be awarded the 2-million dollars for the injuries I sustained from Lt/ Mgr. Gonzalez.

11/6/00  
DATE

John C. Kennedy  
SIGNATURE OF REQUESTER

## Part B—RESPONSE

RECEIVED



DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 224261

## Part C—RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

BP-231(12)

0210



REJECTION NOTICE ADMINISTRATIVE REMEDY

DATE: NOVEMBER 14, 2000

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
BOP CENTRAL OFFICE

TO : JOHN CHARLES KENNEY, 05238-041  
ALLENWOOD USP UNT: I QTR: Z01-111LAD  
P.O. BOX 3500  
WHITE DEER, PA 17887

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 224261-A1 CENTRAL OFFICE APPEAL  
DATE RECEIVED : NOVEMBER 13, 2000  
SUBJECT 1 : ASSAULT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS  
(BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE  
WARDEN'S AND CCM'S RESPONSE OR RECEIPT OF THE  
DHO'S DECISION. THIS TIME INCLUDES MAIL TIME.

REMARKS : CONCUR WITH RATIONALE FOR REJECTING THIS APPEAL.